

HOUSE BILL NO. 463

INTRODUCED BY M. LEE, DOHERTY, BUZZAS, CLANCY, COCCHIARELLA, GALLUS, GRIMES,
HALLIGAN, KITZENBERG, MANGAN, ROUSH, TOOLE, CALLAHAN, LASLOVICH

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN INDIVIDUAL WHO LEAVES WORK OR IS
DISCHARGED BECAUSE OF CIRCUMSTANCES RESULTING FROM DOMESTIC VIOLENCE TO RECEIVE
UNEMPLOYMENT BENEFITS TO WHICH THE INDIVIDUAL IS OTHERWISE ENTITLED; ~~AND~~ PROVIDING
THAT THE UNEMPLOYMENT BENEFITS MAY NOT BE CHARGED TO THE EMPLOYER'S ACCOUNT;
CAPPING THE BENEFITS AT A MAXIMUM OF 10 WEEKS PER CALENDAR YEAR; REQUIRING THE
DEPARTMENT OF LABOR AND INDUSTRY TO REPORT TO THE LEGISLATURE ON UNEMPLOYMENT
BENEFITS APPLIED FOR AND GRANTED IN RELATION TO DOMESTIC VIOLENCE CLAIMS; AND PROVIDING
AN EFFECTIVE DATE ~~AND~~, AN APPLICABILITY DATE, AND TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Unemployment benefits for victims of domestic violence.** (1) (a) An
individual who is otherwise eligible for benefits may not be denied benefits because the individual left work
or was discharged because of circumstances resulting from the individual or a child of the individual being
a victim of domestic violence or the individual left work or was discharged because of an attempt on the
individual's part to protect the individual or the individual's child from domestic abuse.

(b) An employer's account may not be charged for the payment of benefits to an individual who
left work or was discharged because of circumstances resulting from domestic violence as provided for
in subsection (1)(a).

(c) AN INDIVIDUAL MAY NOT RECEIVE MORE THAN 10 WEEKS OF UNEMPLOYMENT BENEFITS DURING A CALENDAR
YEAR FOR THE 12-MONTH PERIOD AFTER THE FILING OF A CLAIM UNDER THE PROVISIONS OF THIS SECTION. THE
PROVISIONS OF THIS SECTION DO NOT AFFECT THE RIGHTS OF AN INDIVIDUAL TO RECEIVE UNEMPLOYMENT BENEFITS THAT
THE INDIVIDUAL IS ENTITLED TO UNDER OTHER PROVISIONS OF STATE LAW.

(2) For the purposes of subsection (1), an individual must be treated as being a victim of domestic
violence if the individual provides one or more of the following:

(a) ~~a restraining~~ AN order OF PROTECTION or other documentation of equitable relief issued by a court

1 of competent jurisdiction;

2 (b) a police record documenting the domestic violence;

3 (c) medical documentation of domestic violence; or

4 (d) other documentation or certification of domestic violence provided by a social worker, clergy
5 member, shelter worker, or ~~other~~ professional PERSON, AS DEFINED IN 53-21-102, who has assisted the
6 individual in dealing with domestic violence.

7 (3) AN INDIVIDUAL WHO IS OTHERWISE ELIGIBLE FOR BENEFITS UNDER THIS SECTION BECOMES INELIGIBLE IF THE
8 INDIVIDUAL REMAINS IN OR RETURNS TO THE ABUSIVE SITUATION THAT CAUSED THE INDIVIDUAL TO LEAVE WORK OR BE
9 DISCHARGED.

10 (4) THE DEPARTMENT SHALL PROVIDE A REPORT TO THE LEGISLATURE, AS PROVIDED IN 5-11-210, REGARDING
11 THE BENEFITS APPLIED FOR AND GRANTED UNDER THIS SECTION, INCLUDING A SUMMARY OF THE DEMOGRAPHICS OF
12 APPLICANTS FOR AND RECIPIENTS OF THE BENEFITS AND THE AVERAGE AND TOTAL COST OF BENEFITS PROVIDED.

13 ~~(4)~~(5) FOR THE PURPOSES OF THIS SECTION, "DOMESTIC VIOLENCE" MEANS THE PHYSICAL, SEXUAL, MENTAL,
14 OR EMOTIONAL ABUSE OF AN INDIVIDUAL OR THE INDIVIDUAL'S CHILD BY A PERSON WITH WHOM THAT INDIVIDUAL OR THE
15 INDIVIDUAL'S CHILD LIVES OR HAS RECENTLY LIVED.

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17 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
18 integral part of Title 39, chapter 51, and the provisions of Title 39, chapter 51, apply to [section 1].

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20 NEW SECTION. SECTION 3. EFFECTIVE DATE -- APPLICABILITY. [THIS ACT] IS EFFECTIVE JULY 1, 2001, AND
21 APPLIES TO AN INDIVIDUAL WHO LEAVES WORK OR IS DISCHARGED BECAUSE OF CIRCUMSTANCES RESULTING FROM
22 DOMESTIC VIOLENCE ON OR AFTER [THE EFFECTIVE DATE OF THIS ACT].

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24 NEW SECTION. SECTION 4. TERMINATION. [THIS ACT] TERMINATES JULY 1, 2003.

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